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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,702	09/30/2004	Enrico Bellinetto	IT20020005	2168
173	7590	10/23/2007	EXAMINER	
WHIRLPOOL PATENTS COMPANY - MD 0750 500 RENAISSANCE DRIVE - SUITE 102 ST. JOSEPH, MI 49085			HECKERT, JASON MARK	
ART UNIT		PAPER NUMBER		
1792				
MAIL DATE		DELIVERY MODE		
10/23/2007		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)
	10/509,702	BELLINETTO ET AL.
Examiner	Art Unit	
Jason Heckert	1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 August 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 August 2007 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Drawings

1. The drawings were received on 8/30/07. These drawings are acceptable.

Response to Arguments

2. Due to the applicant's amendments, the previous rejection under 35 USC 112 has been withdrawn.
3. Applicant's arguments filed 8/30/07 have been fully considered but they are not persuasive. Applicant has amended the claim to include the limitation of a "load equivalent weight". Examiner finds this limitation to be new matter, as well as very misleading. No mention of a "load equivalent weight" is mentioned in the specification. Furthermore, the load equivalent the applicant discloses is a dimensionless unit. Therefore, differentiating the instant application from Battistella by asserting that Battistella requires the input of weight, as opposed to calculating a weight, is inherently wrong, because the applicant's method does nothing of the sort. It, just like Battistella, calculates an equivalent characteristic, not a weight. Furthermore, the applicant does not positively recite limitations that overcome Battistella, even if Battistella requires a weight input.

Claim Rejections - 35 USC § 112

4. Claim 1-11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had

possession of the claimed invention. No mention of a "load equivalent weight" is mentioned in the specification. Furthermore, the applicant appears to be asserting that the "load equivalent weight" is a weight measurement when, in fact, it is a dimensionless unit.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1, 4, 7 rejected under 35 U.S.C. 102(b) as being anticipated by Battistella. Battistella discloses that it is widely known to calculate load or soaking characteristics based on absorbency (col. 2 line 61-65). Specifically, Battistella discloses a washing machine wherein a predetermined amount of water is supplied to the washing machine. This value is stored in memory (col. 5 line 22-25). The clothes are then agitated so that they may absorb the water. The machine measures the amount of residual water and determines the amount of water absorbed (col. 2 line 54-60, col. 5 lines 41-45). At this point, a soaking characteristic is calculated and the mix of textiles, readable on load equivalent, is determined by comparing the known weight with a stored database of absorbency ratios. The washing machine has a control means 6 and based on the machine's ability to check the current water level (col. 3 line 7) a level sensor is inherent. Battistella discloses monitoring water levels over pre-determined time intervals (col. 4 lines 20 – 55). A pressure switch 3 detects the water levels. Therefore

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the free water can be calculated based on the value interpreted by the pressure switch, which provides the recorded water level measurement.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. Claim 2, 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Battistella in view of Cracraft. Battistella does disclose measuring water level over predetermined time intervals, but does not disclose calculating the differences, or derivative. Cracraft discloses calculating the derivative to determine fill characteristics such as water absorbency and displacement (col. 9 lines 25-35). It would have been obvious, at the time of the invention to modify the method or apparatus of Battistella, which already monitors the correct information to calculate a derivative of water level and performs operations to calculate load equivalents based on absorbency, and calculate the derivative of the water level, as taught by Cracraft, to allow for the calculation of load characteristics over time, including future predictions, using Battistella's known method.

9. Claims 3, 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battistella in view of Wickremasinghe. Battistella does not include a step or means for alarming the user of irregular water levels. Wickremasinghe discloses including a low level sensor and alarm system capable of warning the user if water exceeds a certain height in order to prevent overflow. Furthermore alarms are well known in the art for

alerting the user of abnormalities. It would have been obvious at the time of the invention to modify Battistella, and include an alarm system, to warn the user and prevent overfilling. Furthermore, the combination of Battistella, who includes a pressure-type water level sensor as well as a control unit, with Wickremasinghe, would be fully capable of alarming the user of low levels, high levels, and other irregular water level activity.

10. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Battistella in view of Civanelli et al. Battistella does not disclose distinct aspects of the spinning cycle. It is known in the art to have a spinning cycle following the wash stage, specifically one that has at least two speed steps. Civanelli et al. disclose a spinning step that involves slow acceleration to an orbital speed in order to monitor balance. During this phase, more water is in the clothes due to the fact that it has not been spun at the higher rate yet. After balance is achieved, the drum is accelerated quickly to a higher speed (see figure 3). It would have been obvious at the time of the invention to modify Battistella, and include a two step spinning cycle as taught by Civanelli et al., wherein during the first step the drum is accelerated slowly while more fluid is in the clothes, in order to dry the clothes and prevent imbalance.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Heckert whose telephone number is (571) 272-2702. The examiner can normally be reached on Mon. to Friday, 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571)272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH



MICHAEL BARR
SUPERVISORY PATENT EXAMINER